

ORDER NO. 54

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Before Commissioners:

Dan G. Blair, Chairman;
Mark Acton, Vice Chairman;
Ruth Y. Goldway; and
Tony L. Hammond

Rate and Service Changes to Implement
Baseline Negotiated Service Agreement
With Life Line Screening

Docket No. MC2007-5

ORDER ESTABLISHING PROCEDURAL SCHEDULE

(Issued January 4, 2008)

In the initial procedural scheduling order in this case, the Commission set October 9, 2007, as the deadline for participants to request a hearing in this proceeding.¹ On October 10, 2007, the officer of the Commission representing the interests of the general public (Public Representative) filed a motion for an extension of time to request a hearing in order to obtain clarifying information through follow-up interrogatories.² No other participants filed a request for a hearing.

¹ PRC Order No. 35, September 14, 2007.

² Office of the Consumer Advocate Motion for Extension of Time to Request a Hearing, October 10, 2007 (Motion). The officer of the Commission was previously identified as the Office of the Consumer Advocate, or OCA.

The Commission granted the Motion giving the Public Representative until one week following the filing of responses to outstanding discovery requests to file its request for a hearing.³ The last outstanding interrogatory was answered on December 19, 2007.⁴ No further follow-up interrogatories were timely filed.⁵ Accordingly, the time to file a request for hearing expired on December 26, 2007. Because no participant currently seeks a hearing, there will not be a hearing in this case.

Procedural schedule. To bring this case to a timely resolution, the Commission adopts the following procedural and briefing schedule. The Commission establishes January 14, 2008 as the deadline for participants to designate written cross-examination. The Commission sets January 18, 2008 as the deadline for the co-proponents to file written copies of each witness's testimony, including signed declarations attesting to the continued truth and accuracy of that testimony. The co-proponents should also file declarations from each witness attesting to their responses to designated written cross-examination by January 18, 2008. Detailed notices of opposition to any of the designated material are to be filed by January 23, 2008. The record will close on January 25, 2008. Initial briefs are to be filed by February 4, 2008, and reply briefs are due February 11, 2008.

Additional matters. There are several pending motions before the Commission dealing with late-filed pleadings and the withdrawal of a previously-filed motion for protective conditions.⁶ The motions to accept late-filed pleadings are granted since there was no prejudice to the participants from the brief delays. The motion to withdraw

³ PRC Order No. 42, October 19, 2007.

⁴ Response of Postal Service Witness Yorgey to Interrogatory of the Office of the Consumer Advocate (OCA/USPS-T1-5), December 19, 2007.

⁵ Follow-up interrogatories, if any, were due on December 26, 2007. See 39 CFR § 3001.26(a).

⁶ Joint Motion of Life Line Screening and United States Postal Service to Withdraw Motion for Protective Conditions in Response to Commission Order No. 39 (OCA/USPS-T1-1-2), October 26, 2007; Motion for Late Acceptance of Response of Witness Yorgey to Interrogatory of the American Postal Workers Union, AFL-CIO (APWU/USPS-T1-5), November 30, 2007; Motion for Late Acceptance of Response of Witness Yorgey to Interrogatory of the Office of the Consumer Advocate (OCA/USPS-T1-5), December 19, 2007.

a previously-filed motion for protective conditions is granted because the interrogatory responses subject to those previously-filed motions were ultimately filed publicly.

It is ordered:

1. The deadline for designating written cross-examination is January 14, 2008.
2. Written copies of each witness's testimony and related signed declarations (including declarations from each witness attesting to the truth and accuracy of the designated written cross-examination) shall be filed by January 18, 2008.
3. The deadline for filing notice of opposition to designated material is January 23, 2008.
4. The evidentiary record closes on January 25, 2008.
5. The deadline for filing initial briefs is February 4, 2008.
6. The deadline for filing reply briefs is February 11, 2008.
7. The Joint Motion of Life Line Screening and United States Postal Service to Withdraw Motion for Protective Conditions in Response to Commission Order No. 39 (OCA/USPS-T1-1-2), filed October 26, 2007, is granted.
8. The Motion for Late Acceptance of Response of Witness Yorgey to Interrogatory of the American Postal Workers Union, AFL-CIO (APWU/USPS-T1-5), filed November 30, 2007, is granted.

9. The Motion for Late Acceptance of Response of Witness Yorgey to Interrogatory of the Office of the Consumer Advocate (OCA/USPS-T1-5), filed December 19, 2007, is granted.

By the Commission.

Steven W. Williams
Secretary